



DELTA STEWARDSHIP COUNCIL

A California State Agency

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RE: Notice of Preparation of a Draft Environmental Impact Report for the Woodland Flood Risk Management Project, SCH# 2015062075

Dear Mr. Busch:

The Delta Stewardship Council (Council) appreciates the opportunity to submit the following comments on the Notice of Preparation (NOP) for the Draft Environmental Impact Report for the Woodland Flood Risk Management Project. This project proposes to identify and implement flood risk reduction measures in order to meet the State's urban level of flood protection requirements that would be compatible with and supportive of elements of the Yolo Bypass/Cache Slough Integrated Water Management Plan. Proposed activities include the construction of approximately 10 miles of secondary earthen levee and a diversion channel, modifications to segments of the existing Cache Creek Settling Basin, and construction of a bridge or culvert to facilitate conveyance of flood flows.

As you may know, the Council is a state agency that was created by the California Legislature in 2009 to develop and implement a legally enforceable long-term management plan for the Delta. The Delta Plan (Plan), adopted on May 16, 2013, coordinates state and local actions to achieve the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California. The Plan applies a common sense approach based on the best available science to restore habitat, increase the diversity and efficiency of California's water supplies, enhance floodplains, improve the Delta's risk management, and preserve the Delta's agricultural values. Given the scope of our mission and goals, we are interested in an evaluation of the proposed project's potential impacts to the Delta. Council staff offer the following comments related to the scope and environmental information that should be considered in the Environmental Impact Report (EIR).

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

Environmental and Regional Setting

According to the California Environmental Quality Act (CEQA) Guidelines Section 15125, an EIR must include a description of the environment in the vicinity of the project as it exists before the commencement of the project. The EIR should clearly describe the key physical conditions related to this project. This would include: the Cache Creek watershed, the Cache Creek Settling Basin and the Yolo Bypass. Each of these elements may be impacted by this project and these impacts (e.g. water quality and loss of agricultural land, etc.) should be addressed in the EIR.

The EIR should reference the Delta Plan as one of the regional frameworks for establishing the baseline of the environmental and regional settings. The project is outside the Delta and not subject to the Council's regulatory authority. Nevertheless, impacts to Delta resources downstream of the project should be considered and mitigated. Information on the Delta Plan can be found at <http://deltacouncil.ca.gov/delta-plan-0>. Council staff encourage the project team to consider applicable feasible mitigation measures consistent with those identified in the Delta Plan EIR. These mitigation measures can be found in the Delta Plan Mitigation and Monitoring Reporting Program document available at http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%202.pdf.

The Scope of the EIR

Agency Coordination

The NOP indicates that the proposed project would reduce the risk of flooding from Cache Creek and could potentially be integrated with flood control system improvements being considered by the U.S. Army Corps of Engineers, Central Valley Flood Protection Board, and Lower Sacramento River/Delta North Regional Flood Management Team. In addition to the aforementioned integration between the identified agencies, plans, and programs, the process of developing the scope of the EIR and the project alternatives should include consulting with other agencies such as the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. This agency coordination would be to explore the potential ecosystem restoration opportunities that may be included as a part of the proposed project, to ensure integration with existing restoration efforts, especially in the Yolo Bypass, and to identify impacts to fish and wildlife. Project planning should be coordinated carefully with multi-agency initiatives to enhance the Yolo Bypass's value to provide better habitat for fish, avoid conflicts, and seek synergies with that important effort.

The Department of Water Resources' Urban Flood Risk Reduction Program (UFRRP) recently announced that the Woodland Integrated Flood Risk Reduction project is being recommended for funding and it proposed to provide \$5 million for the feasibility and preliminary design activities of the project. If the City of Woodland decides to accept the UFRRP grant, when conducting the feasibility study and developing the preliminary design, the project team should

consider system-wide alternatives that meet multiple objectives such as flood risk management and ecosystem restoration. The EIR should evaluate potential positive and negative impacts to the region's level of flood risk and ecosystem for both upstream and downstream areas of the project site.

Modification and Realignment of the Existing Cache Creek Settling Basin

As the NOP indicates, one of the expected project components is to modify and realign the existing Cache Creek Settling Basin. According to the 2004 Cache Creek Total Maximum Daily Load (TMDL)¹, "Cache Creek is a major source of mercury to the Delta and loads of total methylmercury exiting Cache Creek should be reduced.... Reductions in total mercury loads to the inactive mines in Harley Gulch and the Bear Creek watershed assigned by this TMDL and proposed changes to the Cache Creek Settling Basin, which would increase the mass of mercury retained in the basin, would create significant reductions in loads from Cache Creek." The project team should work with the Central Valley Regional Water Quality Control Board staff and reference the 2010 Sacramento-San Joaquin Delta Methylmercury TMDL² to develop the details for modifications of the existing Cache Creek Settling Basin to reduce the methylmercury loading to the system given the scenarios with or without the expected flood events.

In addition, we ask that in planning the project, the City considers Delta Plan Recommendation **WQ R8** which recommends that proponents of projects that may impact methylmercury loading in the Delta or Suisun Marsh should participate in control studies or implement site-specific study plans that evaluate practices to minimize methylmercury discharges. If the proposed project includes floodplain restoration activities, the project team should include investigation and implementation of Best Management Practices (BMPs) to control methylmercury production and transport because periodic wetting and drying of floodplains makes these areas prone to methylation of mercury.

Adaptive Management and Best Available Science

Council staff encourages the City of Woodland to consider applying the principles of adaptive management and best available science to the project features that will help manage mercury. Adaptive management is a strategy that provides for making management decisions under uncertain conditions using the best available science rather than repeatedly delaying action until more information is available. This also is an approach to resource management that increases the likelihood of success in obtaining goals in a manner that is both economical and effective because it provides flexibility and feedback to manage natural resources in the face of considerable uncertainty. Delta Stewardship Council staff, including staff from the Delta Science Program, can provide consultation and assistance in the use of best available science

¹ Regional Water Quality Control Board Central Valley Region (2004), "Cache Creek, Bear Creek, and Harley Gulch TMDL for Mercury":http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/cache_sulphur_creek/cache_e_nov2004_a.pdf

² Regional Water Quality Control Board Central Valley Region (2010), "Sacramento-San Joaquin Delta Methylmercury TMDL":http://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/april_2010_hg_tmdl_hearing/apr_2010_tmdl_staffrpt_final.pdf

and adaptive management in your preparation of the EIR, project management plan, and long-term monitoring plan.

If you have questions or would like to discuss the comments presented here, please feel free to contact me or my staff, You Chen (Tim) Chao at YouChen.Chao@deltacouncil.ca.gov or (916) 445-0143. We look forward to working with your agency and other local, state, and federal agencies on this project as well as on other activities that may have effects to the Delta.

Sincerely,



Cindy Messer

Deputy Executive Officer

Delta Stewardship Council